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greater than the diameter or particle size of the bioceramic or bioglass reinforcing component[, and the polymeric reinforcing component is distinguishable from the composite material as a whole], said composite material further having increased mechanical strength.

REMARKS

A continued prosecution application (CPA) of U.S. application serial no. 08/921,533 and an information disclosure statement are being filed concurrently with this preliminary amendment. Accordingly, Applicants request entry of this preliminary amendment prior to issuance of a First Official Action. This preliminary amendment particularly addresses the issues set forth by the Examiner in the Final Official Action of September 3, 1999 in parent application serial no. 08/921,533, and is believed to place the application in condition for immediate allowance.

In the afore-referenced Final Official Action, independent claims 1 and 16 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Specifically, the Examiner objected to the words "polymeric component being distinguishable from the composite material as a whole" and contended that it is unclear "how one of the elements in the above matrix can be distinguished from the other, when both the elements together form a matrix" (Action, page 2).

Applicants respectfully assert that the rejected claims are definite in scope. However, in the interest of advancing the prosecution of this application, claims 1 and 16 have been amended to delete the words objected to by the Examiner. Moreover, these claims have also been amended to clarify that the matrix component and the bioceramic or bioglass reinforcing component are mixed together and the polymeric reinforcing component is combined

therewith, as described at page 4, lines 23-24 and page 7, lines 17-18 of the specification. Lines 2-4 of each of these claims have also been amended to provide further clarification. Accordingly, withdrawal of this rejection under 35 U.S.C. § 112, second paragraph, is believed to be warranted.

In the Final Official Action, claims 1-6 and 11-20 were then rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,084,051 to Tormala et al. ("the '051 patent"). Claims 1-8 and 11-22 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over the '051 patent. Similarly, claims 9-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '051 patent as applied to claims 1-8 and 11-22 above, and further in view of the article *In Vivo Evaluation of Hydroxyapatite Reinforced Polyethylene Composites* to Bonfield et al. ("Bonfield").

It is respectfully asserted that the afore-cited references, whether viewed alone or in any combination, neither disclose nor suggest the presently claimed invention for the following reasons.

The Examiner contends that the '051 patent teaches layered reinforcing elements (Action, page 4).

In contrast, all of Applicants' claims either directly or indirectly specify that i) the matrix component and ii) the bioceramic or bioglass reinforcing component are mixed together and iii) the polymeric reinforcing component is combined therewith. Moreover, the addition of Bonfield which was cited by the Examiner as merely disclosing volume fractions, does not suggest Applicants' present claims for the foregoing reasons.

In furtherance to the above, Applicants have also amended the specification to correct several typographical errors noted therein.

It is respectfully submitted that the subject application is now in condition for immediate allowance. A Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

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